

Notice of Non-Responsive Amendment

Application No.

10/589677

Examiner

Kevin K. Hill

Applicant(s)

Onichtchouk, D.

Art Unit

1633

Detailed Action

Amendments

The amendment filed January 5, 2009 canceling all claims drawn to the elected invention and presenting only claims drawn to a non-elected invention is non-responsive (MPEP §821.03). The amended claims, Claims 1-11, 19-20, and new claims, Claims 43-55 are not readable on the elected invention because: the claims are drawn to methods of treating a condition comprising administering an effective amount of a polypeptide and/or nucleic acid to a patient, of modulating pancreatic development or regenerating pancreatic cells, and of diagnosing a condition; whereas, the originally elected invention is a composition comprising a SF06 protein and a nucleic acid molecule encoding said protein.

Since applicant has received an action on the merits for the originally presented invention, the general policy of the Office is not to permit the applicant to shift to claiming another invention after an election is once made and action given on the elected subject matter. See MPEP § 819 & 37 CFR 1.111. Accordingly, present claims 1-11, 19-20 and 43-55 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03. Also See 37 CFR 1.111. A complete reply to this communication must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin K. Hill, Ph.D, whose telephone number is 571-272-8036. The examiner can normally be reached on Monday through Friday, between 9:00am and 6:00PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph T. Woitach can be reached on 5571-272-0739. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kevin K. Hill/
AU 1633